1

File No AFD-216-FAL 69

MYSORE GOVERNMENT SECRETARIAT

Notes / Correspondence / Collection

Department A.F. Section Forest B.

Subject :— Transfer of land free of cost to Hassan Mangalore Railway Project

Earlier References :— AFD 116 FAL 68

Later References :—

Forest
13-5-69
8-9-71

(Classification A / B / C)

Notes pages 8 89/71

Correspondence pages 23

For/Not for Section note Book

To be destroyed after

A
1.4.04

R.S. Basappa
Under Secretary to Government.

Vetted.e

Indepe

Sl.No.1. (RD file No. RD229 GNA66)
Sl.No.2 (RD file No. RD(D) 1603/69.

NOTE-1

R.D has requested to intimate the extent of land that is to be transferred in favour of Railway authorities and to issue orders releasing the land in favour of R.D.

(1) Flag A P 48/116 file 66

(2) With ref. to (1) dated 14.3.69, the C.C.F has not yet furnished the particulars. A draft reminder is put up for approval

(3) Issued

14.5.69

13/5

Dated 16/5/69

Sl.No.3. Letter No. W. 431/MH/ENC/0 dated 21.5.69 from the Engg. in-chief. Railways

Sl.No.4 Copy of letter No. C.No. A4.7057/69 dated 23.5.69 from the Special Deputy Commr. Rly/Harbour Mangalore.

Sl.No.5 letter No. B3/GFL/44/68 dated 6.6.69 from the C.C.F. B'lore.

NOTE-2

(4) The Engineer-in-chief (Projects) Hassan Mangalore Rly. construction in his letter dated 21.5.69, with ref. to G.L of even no. dated 26.4.69 has requested to grant the poor and Pirambokke land to Railway project free of conversion fine also in view of the correspondance took place between the Hon'ble

(1) Flag A P. 51 of 116 file 66

and the then Minister of Railways

(2) The Special D.C (Harbours & Railways) with ref. to the letter of the Railways, has intimated in his letter dated 27.5.69 the relevant sections under which the conversion fee can be imposed and requested the correctness of the same from the railways. Sl.No. 4.P.5

(3) We may await the letter from Engineer-in-chief of Railways and then e.c.f abn.

16.6.69

6/6.

(7) As desired by Secy. A.F.F. a draft interim reply (copy) to the Rly Engr-in-chief is put up. P. 11 ante

24/7/69

(4) A draft interim reply to the Engineer-in-chief of Railways is put up for approval

8.

6/8/69

pl issue

11.8.69.

Sl-No. 7. U.O. Note No-PWD 58 PRY 67 dated 22.9.69 from PWD.

Sl-No. 8 - D.O. letter No. W. 431/MH/ENC/P dated 3-X-69 from the Engr. In-chief, Railways B'lr.

Sl-No. 9- U.O. Note No. RD 229 GNA 66 dated 18.9.69 from R.D.

Sl-No 10. letter No-N. 431/MH/ENC/P dated 9-X-69 from the Engr. In-chief. B'lr.

Note 3

(5) Instructions of Secretary at P. 15.

"Please speak. Sr. Asst. (Forest)".

Sd/- UB
Secy.

(6) The reply of the Engineer-in-chief of Railways at P. 18/7 with ref. to the letter of the Special Dy. Comm. Harbour & Railways at P 9/4 may kindly be perused. E-in-C has offered his opinion regarding levy of conversion fee for non-agricultural use.

(7) However R.D in their letter at P. 16 has requested to release and hand over the land to them for taking further action.

(8) As R.D has to take ultimate action, we may release and hand over the land to R.D after the full particulars are received from C.C.F as assured in his letter dated P10 c/f.

Subject: Hassan - Mangalore Railways File No. AFD.216.Fcl.69 M. S.

Lands

FD 01050—GPB—8,00,000 13-12-65

From prepage Note H

Discussed with MS. Rannid C.C.F Please send interim reply to S.Rys.

17/10

MS (Forests)

NOTE-5

Ref. ~~para 4 of~~ Note (H)

(i) A draft D.O. letter ① from C-in-C. S.Rlys. is put up for approval. The file will be resubmitted after issue of the D.O. letter

17/10

17/10/69

Sr. M. 11/P. 19

Dy. Secy. A[illegible] No. 6024 21.10.69

Issue by 21/10

Issue immediately

22/10/69

(ii) Ref. para (i) above.

Note 3 may kindly be perused. We may await the report from C.C.F.

3/11

(iii) Pl. note on the position regarding Conversion files and resubmit early

5/11

Ref. Para (iii) of Note 5

WD 01050—GPB—8,00,000 13-12-65

(iv) The Special D.C. for Harbour and Railways in his letter dated 27.5.69 addressed to the Engineer-in-Chief has stated that under section 95 of the Mysore Land Revenue Act 69 read with the Rules 107 & 108, the conversion fine has to be paid by the railways at the rates specified, to be acquired for Hansay Mangalore Railway line.

As the D.C. has requested the E.in-C to consult his legal adviser, the Eng.-in-chief after consulting with Railway Law officer has stated as follows:

(i) Rule 107 applies only to the category of lands assessed or held for the purpose of Agriculture. Section 95(7) of the said Act is also referred in the matter. As the forest or paramboke lands should be deemed as unoccupied lands the D.C. can under section 91 of the Act ~~say~~ exercise his powers and grant without imposing any penalty.

(ii) Refering to section 95(5), the E-in-C has requested to treat acquisition of land to Railway as for public purpose and to exempt from paying conversion fine as exempted to public ~~private~~

purposes. He has also stated to treat in a greater force, as conversions of land for charitable purposes without any time is agreed to.

(vi) A copy of the letter of the Chief Engineer has been addressed to D.C. Harbour & Railways and to Secy R.D.

(vii) As R.D has to take ultimate action in the matter in consultation with L.D if necessary, the file may be referred to R.D. to get their opinion.

17/11 NOTED
RD had furnished their opinion in case of Our file. Pl. put it up early
18/11/69

Paras 55, 57 and 59 of the file No. AFD 116 FGL 69 placed below may kindly be perused. R.D have opined that as decided by L.D that conversion fee is to be received. Sir R Pl. speak 19/11/69

27/11 Sl. No. 12. U.O. Note No. RD 229 GNA 66 dated 28.11.69 from RD
Sl. No. 13 letter No. N. 431/MH/ENC/Plans 1.12.69 from the Eng-in-Chief Harbour & Railways.

8

AFD.216.FGL69.

Note-1

(i) The Special D.C. for Harbour and Railways in his letter dated 27-5-1969 addressed to the Engineer-in-Chief has stated that under section 95 of the Mysore Land Revenue Act 64 read with the Rule 107 & 108, the conversion fine has to be paid by the railways at the rates specified, to be acquired for Hassan Mangalore Railway line.

As the D.C. has requested the Engineer-in-Chief to consult his legal adviser, the Engineer-in-Chief after consulting with Railway Law Officer, has stated as follows:-

(ii) Rule 107 applies only to the category of lands assessed or held for the purpose of Agriculture. Section 95(7) of the said act is also referred in the matter. As the forest or paramboke lands should be deemed as un-occupied lands the D.C. can under section 91 of the act exercise his powers and grant without imposing any penalty.

(iii) Referring to section 95(5), the Engineer-in-Chief has requested to treat acquisition of land to Railway as for public purpose and to exempt from paying conversion fine as exempted to public purposes. He has also stated to treat in a greater force, as conversions of land for Charitable purposes without lay of fine is agreed to.

(iv) A copy of the letter of the Chief Engineer has been addressed to D.C., Harbour & Railways and to Secy. R.D.

(v) As R.D. has take ultimate action in the matter in consultation with L.D. is necessary, the file may be referred to R.D. to offer their opinion.

(vi) Paras 5, 57 and 59 of the file No.AFD 116 FGL 68, placed below, may kindly be perused. R.D. have opined that as decided by L.D. conversion fine is to be recovered.

31/1/69

Note's

Secretary (A&F) I agree with sub-para (iii) above. For perusal of Secretary (R.D.) are suggested being sent to

Min. of Forests

Note 9

May be referred to R.D. for Exemption of Conversion fine as referred to para (iii)

2/1

31/1/70.

ALUR HANUMANTHAPPA
Min. of State for Forests.

Secy (A&F) R.D.)

R. & I. SECTION
No. 359/P/3100
Date 17 JAN 1970
Secy. to G.F.
Secretariat Bangalore

17-1-70
Min. of St. Forests.
No. F 11 Date. 3.1.70

Secy., A. & F.
No. 42
Date 15/1/70

Sl. No. 14. Circular No. RD 229 GNA 66 dated 1st Aug 71
AFD 216. FCL 65

9

Ref. Nos. 7 & 9.

~~The matter regarding levy of conversion fine has~~
~~been considered and~~ Nos. 10

the circular of R.D at P-23 may kindly be perused. Nos 12 may close the file, after perusal.

2/9

2/9

Dy. Secy., A & D
No. H 118
2/9.

May be closed after perusal.

2/9

3/9

3/9

E
6/9

~~A draft letter to C.C.P. is put up for approval~~

Record 'B'

7634
3.9.71

Sl.No.14

23

10

GOVERNMENT OF MYSORE.

NO. RD 229 GNA 96. MYSORE GOVERNMENT SECRETARIAT,
"VIDHANA SOUDHA",
BANGALORE, DATED AUG., 1971.

From

The Secretary to the Government of Mysore,
Revenue Department.

To

All the Divisional Commissioners of Divisions,
All the Deputy Commissioners of Districts.

Sir,

Subject :- Waiver of conversion fine in respect of lands acquired on behalf of Central Govt.

I am directed to state that the expression "Government" in relation to anything done or anything to be done after the commencement of the Constitution would include both the Central Government and the State Government (vide clause (16)(b) of Section 3 of the Mysore General Clauses Act). The acquisition to be made at the instance of a Government Department would, therefore, come within the purview of Rule 108 of the Mysore Land Revenue Rules, and it is possible to construe that the laying out of the railway line is a purpose similar to the laying out of the roads and it may not necessarily be said that the Government Department concerned would derive any profit from using the land for laying out the railway line. It is, therefore, possible to invoke the provisions of rule 108 and the Railway Department may be exempted from the levy of conversion fine.

In the circumstances, no conversion fine need be levied on the lands made over or acquired at the instance of Government of India for construction of Railways.

Yours faithfully,

(J.T. BORKER)
Under Secretary to Government,
Revenue Department.

Sl/9 Sec 2/9

30110

AFD 6172 FAN 2/9/71

Copy to :-

1. The Engineer-in-Chief/Projects, 18, Millers Road, Bangalore-6, with reference to his letter No. W. 431/MH/ENC/P of 25-3-1971.
2. The Agriculture and Forest Department for information with their File bearing No. AFD 216 FGL 69.
3. The Public Works Department for information. Their File bearing No. 53 PRY 67 is also enclosed herewith.
4. The Acquisition Section, Revenue Department, for information.
5. The Special Deputy Commissioner (Harbour and Railways), Mangalore, for information.

The file will be linked with AFD 116 FGL 68 enclosed herewith.

KRKhan/*23871.

II AFD. 216. FGL 69 (PL)

Sl. No. 1. letter No. W. 431/MH/ENC/Pogl...

25.3.71

Note. 1

The main file No. AFD. 216. FGL 69 has been sent to R.D on 15.1.70 from the Secy. the same may be called for.

A dmfs U.O. 20th is put up for

Issue

Sd

10/8

10/8

12

No.AFD 216 FGL 69(Pt). Agri. & Forest Department,
Forest 'A'

dated 12th Aug. 1971.

U.O.NOTE.

Sub: Forest Department - Hassan - Mangalore Railway Levy of fine for conversion of Agricultural land for non-agricultural use.

This departments' file No.AFD 216 FGL 69 on the subject mentioned above, which was referred to Revenue Department on 15-1-1970 may be returned along with their remarks.

12/8.

(B.N.Anjanappa)
Section Officer,
Agri. & Forest Department.

Revenue Department)

Issued
13/8/71

Sr. M.

Sub: as at flo f/c cover. 15 2

AFD.216.FGL69(PH)

U.O.NOTE

This Deptt's file No AFD.216.FGL69 on the subject mentioned above, which was referred to R.D on 15.1.70 may be returned along with their remarks.

~~A copy of letter No. W.431/AH/ENC/ Pdated 25-3-71~~

R.D.

E 10/8
Lio. ADR

Sl.No-1 2/1/70 Secy → R&P 15/1/70. 14

AFD 2395 FA 71

5/4/71

SOUTHERN RAILWAY

Office of the Engineer-in-Chief/Projects,
18, Millers Road, Bangalore-6.

No.W.431/IH/ENC/P of 25-3-1971.

The Secretary to Government of Mysore,
Agricultural and Forest Department,
Vidhana Soudha, Bangalore-1.

Sir,

Sub: Levy of fine for conversion of agricultural land for non-agricultural use.

Ref: 1. This office letters No.W.431/IH/ENC/P dated 9-10-1969 and 20-11-1969.
2. Your D.O. No.AFD.216FG169 dated 24-10-1969.

-x-x-x-

Kind reference is invited to the letters cited above and request for an early issue of Government orders for transferring Government forest reserve land and poramboke lands free of cost without levy of conversion fine.

The legal opinion of the Law Officer attached to this Railway administration conveyed for the exemption of levy of conversion fine has been reproduced in this office letter of even number dated 9-10-1969 for which the final decision of the Government of Mysore is awaited, which may kindly be expedited.

Yours faithfully,

26/3/71

for Engineer-in-Chief/Projects.

NOT F.B

S.R 3/4

Copy to The Secretary to Government of Mysore, Revenue Department, Vidhana Soudha, Bangalore. He will kindly obtain and communicate sanction of Government for waival of conversion fine on agricultural lands owned by private parties acquired through State Government for Railways.

Copy to The Chief Engineer, Construction, Southern Railway, Egmore, Madras-8.

Copy to The Executive Engineers, Sakleshpur, Puttur, Mangalore and Asst. Engineer, Construction, Hassan.

Copy to The Special Deputy Commissioner (H&R) South Kanara, Mangalore.

mgesh.

SI N 13

15 = 22

SOUTHERN RAILWAY

Office of the Engineer-in-Chief/Projects,
18, Miller's Road, Bangalore-6.

R & I. SECTION A.A.F.D. No. Date 1 DEC Sanction

No.W.431/MH/ENC/P dated 28-11-1969.

1-12

The Secretary to Government
Agricultural and Forest Department,
Government of Mysore,
Vidhana Soudha, Bangalore-1.

6684 | 70/69. 43368

Sir,

Sub: Levy of fine for conversion of agricultural land for non-agricultural use.

Ref: 1. This office letter No.W.431/MH/ENC/P/ dated 9-10-1969 and
2. Your D.O. No.AFD 216 FGL69 dated 24-10-1969.

-x-x-x-

Kind reference is invited to the letters cited above and request for an early issue of the Government orders for transferring Government Forest and Poramboke lands free of cost without levy of conversion fine.

Yours faithfully,

(M.N. SINGLACHAR)
Engineer-in-Chief (Projects)

Copy to Secretary to Government Revenue Department, Government of Mysore, Vidhana Soudha, Bangalore-1. He will kindly obtain and communicate sanction of Government for waival of conversion fine on agricultural lands owned by private parties acquired through State Government.

Copy to Chief Engineer, Construction, Southern Railway, Egmore, Madras-8.

Copy to Executive Engineers, Construction, Southern Railway, Hassan, Sakleshpur, Puttur and Mangalore.

Copy to Shri T.J. Ramakrishna, Special Deputy Commissioner (H & R) Mangalore.

mgesh.

Sl.No. 12

16

Government of Mysore

No.RD 229 GNA 66.

Vidhana Soudha,
Bangalore-1,
Dated, 25th Novr.1969.

HF

28

U.O.Note

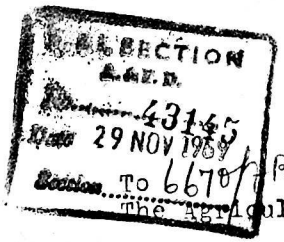
Agriculture and Forest Department is requested to intimate the action taken by them on the letter No.WG31/MH/TNC/P dated 9.10.69 ① regarding the transfer of Land in favour of Mangalore-Hassan Railway -Levy of ~~conversion~~ Conversion Fine - addressed to them by the Southern Railway Authorities and copy endorsed to the Revenue Department.

① p18 ff

B. P. Krishna

(B.P.Krishna)
Under Secretary to Government,
Revenue Department.

26.11.69.



To 6670/18/69.
The Agriculture and Forest Department.

S/Sri H.K.R
1-12-69

S/M/12

17 20

G.B.DESHPANDE,

Agri. & Forest Department.

AFD 216 FGL 69.

Dear Sri

Sub: Levy of Fine for conversion of Agricultural land for non-Agricultural use.

Please refer to your D.O.letter No.W.431/MH/ENC/P dated 3-10-1969 addressed to the Secretary and subsequent letter dated 9-10-1969 on the subject mentioned above.

The Chief Conservator of Forests has been intimated in letter No.AFD 116 FGL 68 dated the 14th March 1969 to give the forest lands required for the Hassan - Mangalore Railway line. Necessary orders will issue on hearing from the Chief Conservator of Forests regarding the exact area of forest lands to be handed over to the Railways for the said purpose.

Yours sincerely,
Sd/-

Sri M.N.Singlachar,
Engineer-in-Chief(Projects)
18, Miller's Road,
Bangalore-6.

p.t.o.

Copy to the Chief Conservator of Forests in Mysore, Bangalore with reference to Government letter No.AFD 116 FGL 68 dated 14-3-1969 and the interium letter D.O.No.B3/GFL/44/68-69 dated 6-6-1969 of the Additional Technical Assistant to the Chief Conservator of Forests to the Under Secretary He is requested to expedite the reply.

(G.B.DESHAPNADE)
Deputy Secretary to Government,
Agriculture & Forest Department.

ISSUED
Dated...24/6/69

Sub: as at Sl-No./P-18. 19

AFD. 216-FG/69.

Dear Sri,— — —,

Please refer to your

(1) Sl-No-8/P-15 D.O. letter No. W. 431/MH/ENC/dated 3.X.69 (1)

addressed to the Secy and subsequent letter dated

(2) Sl-No-10/P-18. 9.X.69 (2), on the subject mentioned above.

P.46

The CCF has been intimated in letter No. AFD/116FG/68 dated the 14th March 69 to give the forest lands required for the Harsan. Mangalore Railway line. ~~I am desired to state~~ that the particulars for release of land are yet awaited from C.C.F. He is being reminded separately. After receipt of the particulars the matter will be taken up with the Govt. for necessary orders will issue on hearing from the CCF regarding the exact Area of forest lands to be handed over to the Railways for the said purpose.

J/S

Yours faithfully,

Sd/- M.N. Singlachar

(M.N. Singlachar)

Secretary AFD

Engineer-in-chief (Projects)

18, Mille's Road

Bangalore-6.

ISSUED
Dated 24/10/69

Copy to:

CCF will refer to letter No AFD-116-FG/69 dated 14-3-69 and the interim reply of AIR letter No. D.O.No. B3/

PTO

GFL/44/68 Gg dated 6.6.69 of the ATA to the u/s. 20

He is requested to expedite the reply.

Sl No 10

21 18

SOUTHERN RAILWAY

Office of the Engineer-in-Chief (Projects),
No.18, Millers Road, Bangalore-6.

No.W.431/MI/ENC/P Dated: 9 ..10..1969.

The Secretary to Government, (ATTENTION SRI BALASUBRAMANYAN)
Agriculture & Forest Department,
Government of Mysore,
Vidhana Soudha, BANGALORE - 1.

RAIL SECTION
L.&W.D.
No. 37000
Date 14 OCT 1969
5760/7B/69

Sir,

Sub: Levy of Fine for conversion of agricultural land for non-agricultural use.

Sri T.J. Ramakrishna, Special Deputy Commissioner (Harbour & Railways), South Kanara, Mangalore in his D.O. letter No.Ref.C.No. A4-705/69 dated 27.5.1969, has advised that he is forwarding to the Under Secretary a copy of this D.O. to get the opinion of your Government's Law Department in the matter of non-applicability of Section 95 and Rules 107 & 108 of the Mysore Land Revenue Act 1964, to Government Lands of the Revenue & Forest Departments, sought to be transferred to Railway Ministry, free of cost and free of Conversion Fine.

P9/3.
H.K.R
14-10-69

2. He has, however, stated in his letter that he has instructed the Special Land Acquisition Officers to levy Conversion Fine at the rates specified in the table under Rule 107 for private lands acquired for the Railways.

3. As suggested by Sri Ramakrishna, the opinion of the Railway's Law Officer has been obtained on the following two specific issues:-

i) Whether levy of Conversion Fine is called for in respect of Forest and Poramboke Lands to be transferred free of cost to the Railways by the Government of Mysore.

ii) Whether levy of Conversion Fees for private lands acquired for the Railways, through the State Government, is to be waived or not.

The opinion of the Law Officer of our Railways is as under:-

i) "The lands which are now sought to be transferred by the Mysore Government to the Railways are Forest and Poramboke Lands. There are no provisions in the Mysore Land Revenue Act from which it could be stated that Forest and Poramboke Lands fall within the category of lands assessed or held for the purpose of agriculture, to attract the provisions of Section 95(7) of the said Act and Rule 107 of the Mysore Land Revenue Rules for the purpose of levying Conversion Fee or imposing fine for conversion.

These lands should be deemed as unoccupied lands in respect of which the Deputy Commissioner can exercise his powers under Section 91 for making a grant. The State Government has already agreed to grant these lands to the Railway free without insisting on the payment of cost. On the same analogy, there should be no difficulty for the grant of the same without imposing any penalty under Section 91."

(Contd..2)

ii) "Provision for levy of fine for conversion of Agricultural Land for non-agricultural use (under Rule 107) would apply when the land in question is Agricultural Land and the same is permitted by the Deputy Commissioner for being used for non-agricultural purposes in terms of Section 95(5) of the Act. But in case of Agricultural Lands made over or acquired under the Land Acquisition Act at the instance of the Government Department for charitable or public purposes when the Government Department does not derive any profit and the land is used for construction of building etc., the fine is not leviable. This contemplates a case of transfer to the private institutions/bodies. In the case of private lands acquired for the Railway purposes, it would be proper to view them as land acquired at the instance of Government Departments for the public purpose of laying the Railway and making construction, if any, connected therewith for which also the exemption can apply. Further, the reference to construction of a school building, laying out of a play ground, road etc., referred to in the Rule 108 is only illustrative of the various uses for construction in favour of the private bodies and after the conversion the Government does not derive any profit therefrom. In the case of lands acquired for the Railway also, the conversion is definitely for public purpose at the instance of Central Government and hence the levy of fine for conversion should be exempted. When the conversions, while the land is acquired by these bodies for charitable purposes is agreed to, without levy of fine, the same will apply with greater force, when the lands are acquired for Government purposes."

4. It will be clear from legal opinion stated above that no Conversion Fee or imposition of Fine for conversion is called for in the case of Forest and Poramboke Lands transferred free of cost to the Railways by the Government of Mysore and the Conversion Fees is not leviable for Private Lands acquired for the Railways through the State Government.

5. I shall be glad if you could kindly arrange to obtain and communicate the approval of the Government of Mysore, signifying their acceptance to the above.

Yours faithfully,

M N Sinha Rao

Engineer-in-Chief (Projects)

9.X.61

Copy to: CE/CN/MS.

" XENs/CN/HAS, SKLR, Puttur & MAQ.

" Sri T.J. Ramakrishna, Special Deputy Commissioner (Harbour & Railways), South Kanara, Mangalore.

rv..8.10 The Secretary to Govt., Revenue Department, Government of Mysore, Vidhana Soudha, Bangalore-1 with a copy of letter from the Special Dy. Commissioner (Harbour & Railways), South Kanara, Mangalore. He will kindly obtain and communicate sanction of Government for waival of Conversion Fine on Agricultural Lands owned by private parties acquired through State Government.

Sl. No. 9

23

GOVERNMENT OF MYSORE

36778
5703/78/69

No.RD 229 GNA 66

Mysore Government Secretariat,
Vidhana Soudha,
Dated, Bangalore, the 18 Septr. 1969

R.&I. SECTION A.F.D. 34201 10 SEP 1969 5309/FG

UN-OFFICIAL NOTE

P46 of 116 FGL 68 ©

With reference to the copy of the letter No.AFD 116 FGL 68 dated 14th March 69 © addressed to the Chief Conservator of Forests, regarding the transfer of Forest Lands for Hassan Mangalore Railway construction, the lands in question may be released in favour of the Revenue Department for being transferred to the Railway authorities.

B. P. Krishna 8.10.69

(B.P. KRISHNA)
Under Secretary to Government,
Revenue Department.

To

The Secretary to Government,
Agriculture and Forest Department).

R.&I. SECTION G.O. No. 4419/0 Date 3/9 Session

8/9/69

33456
hvr/

Unsigned. Hence, returned to R.D. for signature and return.
19-9-69

R.D.

Signed [illegible] now Sec. to Govt. Agr. & Forest

8/X/69

Sd. R.D. ©

Sd. 9/10/69
13.X.69

Sl.No.7

34513
22 SEP 1969

GOVERNMENT OF MYSORE

Number 5334/70/69.

24.

MYSORE GOVERNMENT SECRETARIAT
VIDHANA SOUDHA,
BANGALORE, DATED: 22 SEPT. 1969.

No.PWD 58 PRY 67.

U.O.NOTE

Subject:-Transfer of Government Poramboke and Forest Land for Hassan-Mangalore Railway Construction.

A copy of the letter No.W.431/MH/EN C/P, dated 28/3-5-4-69 received from the Engineer in Chief-Southern Railway., Bangalore is enclosed herewith as required.

(1) Flag A
Pub of lib Facility

KS Rasheed.
Section Officer,
Public Works & Elecy.Department.

To

The Under Secretary,
Agriculture and Forest Department.

BRG.20-9-69.

Sh. H.K.R
22/9/69

25

SOUTHERN RAILWAY

Office of the Engineer-in-~~xxxxx~~ Chief (Project), No.18, Millers Road, Bangalore-6, dated 28-3-1969.

No.W.431/MH/ENC/P

To

The Secretary to Government,
Public Works and Electricity Department.
Government of Mysore,
Vidhana Soudha, Bangalore-1.
(For personal attention of Shri.R.R.Naik, Under Secretary)

Sir,

Sub:- Transfer of Government Poramboke and Forest Land for Hassan-Mangalore Rly. Construction.

Ref:- This office letter of even number dated 6-7-1968 and subsequent reminders dated 22/24.8.1968, 31,10/1.11.1968 and 19/21.12.68.

In inviting you-r kind reference to the above letters, I request the communication of Government Order for effecting the transfer of Government Poramboke and Forest Land to this Railway Administration for the formation of Hassan-Mangalore Railway Construction.

The matter may kindly be moved with the Government to expedite the transfer.

This has reference to the discussion I had with the Under Secretary to Government of Mysore, Public works and Electricity Department on 28-10-1968.

In this connection I may add that the Secretary to Government of Mysore, Agriculture and Forest Department in his letter No. AFD.116.FCL.68 addressed to the Chief Conservator of Forests in Mysore, Bangalore has asked to furnish the extent of area of land to be given to Railway.

Necessary orders may kindly be issued to the Revenue Department in respect of Poramboke Lands.

Yours faithfully,

Sd/-

Engineer-in-Chief/Projects.

-:copy:-

pgp/-19669.

Sl. No. 8

15

M.N. Singlachar,

ENC/P/BNC.

26

Southern Railway

Office of the
Engineer-in-Chief/Projects,
18, Miller's Road,
Bangalore-6. Dt: 3-10-1969.

D.O. No.W.431/MH/ENC/P.

4/10/69

Dear Shri Beerappa,

Sub: Transfer of Government Poramboke and Forest land for HAS-MAQ Rly. Construction.

Ref: This office letter of even number dated 28-3/1-4-1969 and 20/21-5-1969.

-x-x-x-x-

I am sorry to bring to your kind notice inspite of repeated reminders and personal contacts, the Government order on the transfer of Poramboke and Forest land, free of cost for HAS - MAQ Railway Construction has not so far been issued. The Chief Conservator of Forests, Government of Mysore has also been contacted to expedite submission of the information called for by the Forest and Agricultural Secretariat in this matter.

The Under Secretary to Government Public Works and Electricity Department has also in his letter No. PWD.58/PRY/67(P.F) has reminded the Secretary, Agriculture and Forest Department for expediting the Proceedings.

I shall be glad if you will kindly call for the papers and arrange for the early issue of the Government Order for transferring Government Forest and Poramboke lands to the Southern Railway.

A line in reply would oblige.

Thanking you,

Yours sincerely,

M.N. Singlachar
3.10.1969

Shri Beerappa,
Secretary to Govt.
Forest and Agriculture,
Govt. of Mysore, Bangalore.

Copy to

Shri T.H. Ramakrishna, Spl.Dy. Commissioner,(H&R), ~~reference~~ Mangalore, South Kanara.

XEN/CN/MAQ with reference to his No.W.271/ML/MH/CN of 24-9-1969.

CE/CN/MS in continuation of this office No.W.431/MH/ENC/P of 20/23-9-1969.

S/NO.6.

GOVERNMENT OF MYSORE 27 '2

No. AFD 216 FGL 69. MYSORE GOVERNMENT SECRETARIAT,
VIDHANA SOUDHA,

Dated, Bangalore, 12-8-196

FROM

The *Secretary to the Government of Mysore,*
Agriculture & Forest Department.

To. The Engineer-in-charge (Projects)
18-Millars Road,
Bangalore-6.

Sir,

Sub: Levy of fine for conversion of Agricultural land for non-agricultural use.

With reference to your letter No.W.432/MH/ENC/P dated 21-5-1969 on the subject cited above, I am directed to invite reference to D.O.letter No.Ref.C.No.A4.705/69 dated 27-5-69 of the Special Deputy Commissioner (Harbar and Railways) South Kanara addressed to you (copy endorsed to Government) and to request you to offer your opinion in the matter.

Yours faithfully,

12.8.69

(M.Arya Mitra)
Under Secretary to Government,
Agriculture & Forest Department.

hns/12-8/

Sl. No. 6
Subj: as at Sl. No. 3.

28

AFD-216-Fcl-69

12-8

The Engineer-in-chief (Projects)
18, Millars Road, Bangalore-6.

Sir,

With ref. to your letter No. ②
W.431/MH/ENC/P dated 21.5.69
① on the subject cited above,
Sl. No. 3
I am directed to refer you
invite ref. D.O. to letter No. Ref. C. No. A4-
705/69 dated 27.5.69 of the Special
D.C (Harbour & Railways) S.K
addressed to you and (copy endorsed
to Govt) and to request you
to offer your opinion in the
matter.

11.8.69.
46 AdP

Sl. No. 5

29

D.G.WESLEY. I.F.S.,
Addl. Technical Assistant to
the Chief Conservator of Forests
in Mysore, Bangalore.

Office of the
Chief Conservator of Forests
in Mysore, Bangalore,
Dated/ 5-6-69.

D.O.No.B3/GFL/44/68-69.

3096/FR/69

Dear Sri. Balasubramanyam

Sl.No.1/P.2

Sub: Transfer of Government Paramboke and Forest lands for Hassan - Mangalore Railway construction.

Please refer to your D.O.Letter No.AFD 216 FGL 69 dt.15-5-69 on the above subject, from the Section Officer, Agri. & Forest Dept.

I am still awaiting the report from the Conservator of Forests Coorg circle, Mercara. He has been expedited in the matter. As soon as his report is received, I will submit my report to Government.

Yours sincerely
(D.G.Wesley.)

6/6/69

Sri S.BALASUBRAMANYAN,
Under Secretary to Government,
Agriculture and Forest Department,
BANGALORE.

Mb/-

30

T.J.Ramakrishna
Special Deputy Commissioner,
(Harbour and Railways),
South Kanara

Mangalore.1.
Dated:-27..5..1969.

D.O.
Ref.C.No.A4-702/69.

2970/FR/69
30/1/69.

Dear Sri Singlachar,

Sub:-Levy of fine for conversion of agricultural land for non-agricultural use.

Ref:-Your letter of last week addressed to Sri.Balasubramanyam, Under Secretary, Agriculture and Forest, Bangalore and copied to me.

51.W.3

18930

Dy. Secy., A&F
No. 1159
30/5

---;oOo;---

I am quoting Section 95 of the Mysore Land Revenue Act 1964 together with the Rules 107 and 108, in full for your information and necessary further action. Section 95 reads as follows:

"Page 52 of the Mysore Land Revenue Act

Uses of agricultural land and the proce
use of agricultural land for other purp

(1) subject to any law for the time being in regarding the erection of building or constr ction of wells or tanks, an occupant of land assessed or held for the purpose of agricultur entitled by himself, his servants, tenants, agen or other legal representatives, to erect farm buildings, construct wells or tanks or make any other improvements thereon for the better culti- vation of the land or its more convenient use for the purpose aforesaid.

XXX
Sri Ramanand
Sm
30/5/69

(2) If any occupant of land assessed or held for the purpose of agriculture wishes to divert such land or any part thereof to any other purpose, he shall apply for permission to the Deputy Commi- ssioner, who may, subject to the provisions of section and the rules made under this permission or grant it on such cond may think fit.

(3) Permission to divert may b Deputy Commissioner on the grou is likely to cause a public nui not in the interests of the gen the occupant is unable or unwil the conditions that may be impos

(4) Conditions may be imposed on diversion in order to secure the health, safety and convenience, and in the case of land which is to be used as building sites, in order to secure in addition that the dimensions, arrangement and accessibility of the sites are adequate for the health and convenience of occupiers or are suitable to the locality and do not contravene the provisions of any law relating to town and country planning or the erection of buildings.

(5) Where the Deputy Commissioner fails to inform the applicant of his decision on the application made under sub-section (2) within a period of four months, from the date of receipt of the application, the permission applied for shall be deemed to have been granted.

(6) Unless the Deputy Commissioner shall, in any particular instance otherwise direct, no applications under sub-section (2) shall be recognised unless it is made by the occupant.

(7) When any land assessed or held for the purpose of agriculture is permitted under sub-section (2) or deemed to have been permitted under sub-sec.(5) to be used for any purpose unconnected with agriculture, the Deputy Commissioner may subject to such rules as may be made by the State Government in this behalf, require the payment of a fine. No assessment shall be leviable on such land thereafter except under sub-section (2) of Section 63.

Rule 107: Levy of fine for conversion of agricultural land for non-agricultural use - The amount of fine which may be levied under sub-section (7) of Sec. 95 shall be at the rates specified in the Table below, namely:-

TABLE.

Place.	Area.	Rate of fine per acre.
2.	3.	4.
Kolore City.	Municipal Corporation limits and all lands within a radius of 5 miles from the corporation limits.	Rs. 2,000/-
Bangalore. Mysore. Davangere.	Municipal limits and all lands within a radius of 5 miles from the Municipal limits.	Rs. 1,400/-

S.M.A(P3) 32

1	2.	3.	4.
5.	Hubli, Dharwar.	Municipal Corporation and all lands within a radius of 5 miles from the corporation limits	Rs. 1,400/=
6.	Districts Headquarters. Towns:Gadag and Mandeli.	Within the Municipal limits or within 2 miles from the Municipal limits.	Rs. 1,200/=
7.	Kadur, Manjangud, K.G.F., Harihar, Hospet, Udipi, Mangalore, Bhadravathi, Channapatna, Navari, and Bagalkot.	Within 3 miles from Municipal limits and from the Railways Station, if the Railway station is outside the Municipal limits.	Rs. 700/=
8.	Taluk Headquarters towns connected by railway.	Within one mile from the Municipal limits or the Railway Station	Rs. 500/=
9.	Other Taluk Headquarters.	.. ..	Rs. 350/=
10.	Villages with a population of 5000 and above.	.. ..	Rs. 170/=
11.	Villages between 2000 and 5000.	.. ..	Rs. 100/=
12.	Villages less than 2000.	.. ..	Rs. 50/=

Rule: 108: Fine not to be levied in certain cases:-

(1) Not-withstanding anything contained in the foregoing rules, no fine shall be imposed for the appropriation of agricultural lands made to or acquired under the Land Acquisition Act the instance of Government Departments, Munic Councils, local Boards or Village Panchayats Charitable or public purposes from which the Go Department, Municipality or local Body concerne does not derive any profit and the land is used purpose such as construction of a school buildi laying out of playground, roads, hospitals, dispensaries or rest-houses.

.....

(2) The exemption under sub-rule (1) shall also apply in cases of lands made over to or acquired for village extension and for the improvement of village sanitation at the instance of village panchayats.

Section (2): DEFINITIONS: 20.

"Occupant" means a holder in actual possession of un-alianated land other than the tenant, provided that where the holder in actual possession is a tenant, the land-lord or superior land-lord as the case may be, shall be deemed to be the occupant.

Explanation: A railwary pattadar in the Madras area ..... shall be deemed to be an occupant of such land for purposes of this Act.

(2) To hold land means, to be in law-ful possession of land whether such possession is actual or not.

The Ministry of Railways, Government of India, New-Delhi have requested the State Government of Mysore to transfer free of cost the Government Foromboke land under the control of the Revenue Department and the Forest lands under the control and management of the Forest Department subject to construction and maintenance of certain roads. The Government lands cannot be said to be held for the purpose of agriculture by any occupant, who wishes to divert such land to any other purposes. And therefore the fine sought to be levied under sub-section (7) of Section 95 is not attracted for the transfer of lands under the control and management of two departments of the State Government in favour of the Ministry of Railways, New Delhi. However, I have instructed the Special Land Acquisition Officer, Railways, Mangalore, Puttur and Sakleshpur to levy the fine at the rates specified in the table under rule 107 for the private lands acquired for Railways and collected it from the Railway Ministry and

Sl.No.4(P.S.)

34

credited it to the State Government Accounts.

I request you to please obtain whether this presumption of mine on the two points mentioned above is correct from your Legal Adviser and Address another letter to Sri Balasubramanyam, Under Secretary to Government, Agriculture and Forest, under copy to me.

I am forwarding a copy of my letter to you to Sri.Balasubramanyam, Under Secretary to Government, Agriculture and Forest to get points clerified by the Secretary to Government, Law Department, Vidhana Soudha and intimate you the final decision of the Government in the matter of non-applicability of Section 95 and Rules 107 and 108 of the Mysore Land Revenue Act 1964 to Government lands in the Revenue and Forest Departments sought to be transferred to the Railway Ministry free of cost and free of conversion fine.

Enclosure 1.
copy of Sec 67. L.R.C. 1964.

Yours sincerely,
T. J. Ramakrishna
(T.J. Ramakrishna) 27-5-69.

Sri. Singlachar,
Engineer-in-Chief,
Railway Construction,
No.18 Millers Road,
Cantonment,
BANGALORE.6.

Copy to Sri Balasubramanyam, Under Secretary to Government, Agriculture and Forest Department, Vidhana Soudha, Bangalore.1.

Copies to The Special Land Acquisition Officer, (Railways), Mangalore.

The Special Land Acquisition Officer,(Railways), Puttur and

The Special Land Acquisition Officer,(Railways), Sakleshpur.

ky/27.5.

CHAPTER. VII.

LAND AND LAND REVENUE.

LAND

67. Public roads, etc., and all lands which are not the property of others belong to the Government.

(1)All public roads, streets, lanes and paths, bridges, ditches, dikes and fences, on or beside the same, the bed of the sea and of harbours and creeks below high water mark and of rivers, streams, nallas, lakes and tanks and all canals and water-courses and all standing and flowing waters, and all lands wherever situated which are not the property of individuals or of aggregate of persons legally capable of holding property, and except in so far as any rights of such persons may be established, in or over the same, and except as may be otherwise provided in any law for the time being in force, areand are hereby declared to be with all rights in or over the same or appertaining thereto, the property of the State Government.

Explanation.- In this section, "high-water mark" means the highest point reached by ordinary spring tides at any season of the year.

(2) Where any property or any right in or over any property is claimed by or on behalf of the State Government or by any person as against the State Government, it shall be lawful for the Deputy Commissioner or a Survey Officer not lower in rank than a Deputy Commissioner, after formal inquiry to pass an order deciding the claim.

(3) Any person aggrieved by an order made under sub-section (2) or in appeal or revision therefrom may

.... 2.

institute a Civil suit contesting the order within a period of one year from the date of such order and the final decision in the Civil suit shall be binding on the parties.

=====

Xerox copy of Section 67 of L.R.A. 1964

27-5-69

No. 2 21/6/69 37

Southern Railway

No.W.431/MH/ENC/P

Office of the
Engineer-in-Chief(Projects),
18, Millers Road, Bangalore-6,
Dt. 20.5.1969.

The Secretary to the Govt. of Mysore,
Agriculture & Fore st Department,
Vidhana Soudha,
Bangalore-1.

17946
2807/FB

Sir,

(Attention Sri Balasubramanyam, Under Secretary to Government, Agriculture & Forest Department)

Sub: Transfer of Government Poramboke and Forest land for Hassan-Mangalore Rly. Construction.

...

Ref: This office letter of even No. dated 28-3/1.4.1969

FB ... Flag A PSI I 11 6 Fwd 6/2/6

While inviting kind reference to the above letter, I have since received a copy of your letter No.AFD 116 PGL 68 dated 26.4.1969 addressed to the Special Deputy Commissioner (Harbour & Railways), South Kanara, Mangalore, wherein it is mentioned that the matter has been referred to the Chief Conservator of Forests in Mysore, Bangalore for obtaining further information. It is also stated therein that forest lands will be granted to the Railways free of cost, for the Hassan-Mangalore Railway construction, subject to recovery of conversion fine. In this connection, it may be mentioned that as could be seen from the correspondence between the Chief Minister of Mysore State and the Hon'ble Minister of Railways, all Govt. Poramboke and Forest lands required for the construction of Hassan-Mangalore Railway, are to be given free of cost. Hence payment of conversion fine, as suggested in your above, will infringe the commitments made at the highest level to grant all Govt. lands free of cost. This has reference to my phone conversation with you on 19.5.69.

Please let me hear.

Thanking you,

Yours faithfully,

M N Srinivasa

Engineer-in-Chief(Projects)

20.5.69

Sl. No. 1

38 2

N.Shantha Raju,
Section Officer,
Agri. & Forest Department.

Mysore Govt. Secretariat,
Vidhana Soudha,
dated: 16.5.69

D.O.No.AFD 216 FGL 69.

Dear Sir,

Sub: Transfer of Govt. Paramboke and Forest lands for Hassan - Mangalore Railway construction.

Please refer to Government letter ~~mf~~ AFD No. 116 FGL 68 dated 14-3-1969 and subsequent reminder dated 28-4-1969, on the subject cited above.

I am desired to request you to expedite the reply in the matter.

Yours sincerely,

Shri D.G.Wesley,
Additional Technical
Assistant to the Chief
Conservator of Forests
in Mysore, Bangalore.

Sr. No. 1

Subt: Award Flag A of file 116 Fu L 68

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ISSUED
Dated 16/5/69

AFD. 216. Fu L 69

Dear Sir,

Please refer to G.L
No. AFD-116-Fu L 68 dated 14.3.69 ⊙
and subsequent reminder dated 26.4.69
on the subject cited above..

I am desired to
request you kindly do the reply
in the matter.

⊙ Flag A
P 66 of 116 Fu L 68

y/s

(S. O)

Sri D.G. Wesley
Sri G.M. Shankaranand

ATA

14.5.69